

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY LLOYD,

Plaintiff,

v.

BRIAN YANKEY, JOHNSON, BRUCE
KALER, SUE STEVEN, JOHN DOE,

Defendants.

No. C12-5913 RJB/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
DEFENDANT BRIAN YANKEY'S
MOTION TO DISMISS**

This matter comes before the Court on the Report and recommendation of U.S. Magistrate Judge Karen L. Strombom. Dkt. 42. The Magistrate Judge recommends that Defendant Brian Yankey's motion to dismiss be granted and Plaintiff's claims against him be dismissed. Plaintiff has filed an objection to the Report and Recommendation.

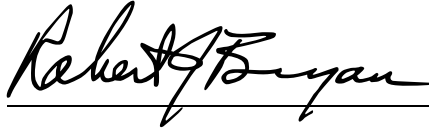
The Court has reviewed the objections and finds that they are no more than a restatement of Plaintiff's arguments made in response to the motion to dismiss. The Magistrate Judge considered all allegations in Plaintiff's complaint and determined he had failed to state a claim under 42 U.S.C. §1983. As detailed in the Report and Recommendation, Defendant Yankey examined Plaintiff's injury and he was seen immediately thereafter by medical personnel. Therefore, he cannot establish that Defendant Yankey subjected him to a substantial risk of serious physical harm by failing to photograph his injury.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, and the remaining record, does hereby find and **ORDER:**

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

- (1) The Court adopts the Report and Recommendation.
- (2) Defendant Yankey's Motion to Dismiss (Dkt. 23) is **GRANTED**; Plaintiff's claims against Brian Yankey are **DISMISSED WITH PREJUDICE**.

DATED this 29th day of May, 2013.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN
United States District Judge